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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Epic Games, Inc. v. Google LLC, Case No.
3:20-cv-05671-JD

In re Google Play Consumer Antitrust, Case
No. 3:20-cv-05761-JD

Utah v. Google LLC, Case No. 3:21- cv-
05227-JD

Match Group, LLC. et al. v. Google LLC et al.,
Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF JOSHUA WALKER
IN SUPPORT OF OMNIBUS MOTION
TO FILE UNDER SEAL**

Judge James Donato

1 I, Joshua Walker, declare as follows:

2 1. I am Chief Financial and Strategy Officer, Streaming, for Warner Bros. Discovery,
3 Inc. (“WBD”). I joined WBD and its subsidiaries in October 2010.

4 2. I submit this declaration pursuant to Civil Local Rule 79-5. The contents of this
5 declaration are based on my personal knowledge, and if called as a witness in this matter, I could
6 and would testify thereto.

7 3. In my current role at WBD, I oversee strategy and financial operations for WBD’s
8 streaming applications (“apps”) made available to consumers via the Google Play store, as well as
9 direct-to-consumer operations globally. Based on my work experience, I am familiar with the way
10 confidential financial information is handled by WBD pertaining to its consumer-facing offerings.
11 WBD keeps such information confidential to protect itself from potential competitive and
12 commercial harm.

13 4. I understand that the Defendants have filed, among other things, a Motion to
14 Exclude the Merits Opinions of Dr. Hal J. Singer (“Singer Motion”), which cites an Expert
15 Report written by Dr. Singer and dated October 19, 2022 (“Singer Report”), which contains
16 information that purportedly derives from Google’s internal transactional data and documents
17 regarding WBD’s sensitive and highly confidential financial information concerning its apps
18 made available to consumers via the Google Play store. I also understand that the Consumer
19 Plaintiffs and the State Plaintiffs have filed an Opposition to the Singer Motion, which cites a
20 slide deck produced by Google in this litigation (“Google Slide Deck”). Google’s counsel has
21 provided WBD with redacted excerpts of the Singer Report and a redacted version of the Google
22 Slide Deck, which contain WBD’s confidential, highly proprietary, and competitively sensitive
23 business information. Furthermore, I understand that the Parties will file a joint omnibus motion
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1 to seal addressing the confidentiality of information included in the Singer Motion, the Singer
2 Report, and other recent filings.

3 5. WBD's financial information referred to in the Singer Report and the Google Slide
4 Deck is sensitive and highly confidential information that could cause competitive and
5 commercial harm to WBD if publicly released.

6 6. As an initial matter, in filing this Declaration, WBD does not confirm the accuracy
7 and/or completeness of WBD's financial information referred to in the Singer Report and the
8 Google Slide Deck. As it has been explained to me, although this sensitive and highly
9 confidential financial information concerns WBD, it purportedly is derived from Google's
10 internal transactional data and documents. WBD lacks sufficient background information and
11 context to verify it.

12 7. WBD is a leading global media and entertainment company that creates and
13 distributes its portfolio of content and brands across television, film, streaming, and gaming.
14 Maintaining the confidentiality of its financial information is as important to WBD as it is to any
15 comparable business. As a publicly traded company, WBD is extremely mindful of the financial
16 and business information it publicly discloses, and WBD makes such disclosures in accordance
17 with the rules and regulations of the United States Securities and Exchange Commission. Thus,
18 WBD has an interest in preserving the confidentiality of its information that it has not elected to
19 publicly disclose.

20 8. The information that is redacted in the Singer Report and the Google Slide Deck
21 includes sensitive and highly confidential financial information of WBD, which could result in
22 competitive harm to WBD if publicly disclosed. It is my understanding that this information
23 relates to: (i) the subject matter of a distribution agreement between WBD and Google regarding
24 the Google Play store; (ii) WBD's position relative to other companies and developers with
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1 respect to the amount of money spent by consumers on WBD apps that are available in the
2 Google Play store; and (iii) the difference in the amount of money spent by consumers on WBD
3 apps that are available in the Google Play store as compared to WBD apps that are available in
4 another app store. These references contain highly confidential information relating to WBD's
5 business dealings and financial position within the market. Furthermore, WBD does not otherwise
6 publicly disclose this information.
7

8 9. The disclosure of this highly confidential financial information could harm WBD's
9 business. For example, the public disclosure of the subject matter of WBD's distribution
10 agreements with Google regarding the Google Play store would undermine WBD's ability to
11 negotiate distribution agreements with other app distribution platforms. In addition, the disclosure
12 of WBD's position relative to other companies and developers would put WBD at a competitive
13 disadvantage both with consumers and with other distribution partners, as the performance of
14 WBD's apps in the Google Play store is not publicly known. Finally, the public disclosure of the
15 difference in the amount of money spent by consumers on WBD apps that are available in the
16 Google Play store as compared to WBD apps that are available in another app store would allow
17 for insight into what percentage of WBD's direct-to-consumer business Google represents as
18 compared to other app distribution platforms and thus would create difficulties in negotiations
19 with those platforms.
20

21 10. Preventing these competitive and commercial harms requires the sealing of the
22 redacted information in the Singer Report and the Google Slide deck. There is no less restrictive
23 alternative. Sealing is the only means of preserving WBD's highly confidential, non-public, and
24 competitively sensitive information.
25

26 11. For all of the reasons set forth above, the excerpts from the Singer Report and the
27 Google Slide Deck that WBD hereby seeks to seal are as follows:
28

1 a. Singer Report, Singer Motion Exhibit 1, Page 81, para. 165, fn. 383.

2 b. Google Slide Deck, Opposition to the Singer Motion Exhibit 13.

3
4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct and that this declaration was executed on July 5, 2023 in New York City, New
6 York.
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8 Respectfully submitted,
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10 Dated: July 5, 2023

By: Joshua W. Walker
Joshua W. Walker (Jul 5, 2023 12:09 EDT)

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In re Google Play Store Antitrust Litig. - Walker Declaration 2023-07

Final Audit Report

2023-07-05

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